

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

VALECIA DAVIS,)
)
Plaintiff,) **Case No. 2:20-cv-10777**
)
v.)
)
HARTFORD LIFE AND ACCIDENT)
INSURANCE COMPANY,)
)
Defendant.)

NOTICE OF REMOVAL

Defendant, Hartford Life and Accident Insurance Company (“Hartford”), by its attorneys, Elizabeth G. Doolin and Craig M. Bargher of Chittenden, Murday & Novotny LLC, in accordance with 28 U.S.C. § 1446, submits this Notice of Removal of this action from the Third Judicial Circuit, Circuit Court of Wayne County, Michigan, to the United States District Court for the Eastern District of Michigan, pursuant to 28 U.S.C. § 1441(a). In support of its Notice of Removal, Hartford states as follows:

1. This civil action was filed on February 27, 2020 in the Third Judicial Circuit, Circuit Court of Wayne County, Michigan, as Case No. 20-003046-CK.
2. The Complaint is brought pursuant to 29 U.S.C. §1132(a)(1)(B) and Plaintiff asserts she is entitled to damages in connection with a long term disability

policy that is “governed by the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. §1001 et seq.”

3. The Summons and Complaint were first served on Hartford on March 2, 2020, via service upon the Corporation Company, Hartford’s agent for service of process in Michigan.

4. This Notice of Removal is being filed within thirty (30) days after the date Hartford was first served with the Summons and Complaint setting forth Plaintiff’s claim for relief.

5. This is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1331 and Hartford is entitled to remove this action to this Court pursuant to 28 U.S.C. § 1441(a) because this action seeks benefits under an employer-sponsored employee welfare benefit plan and, therefore, this action arises under the Employee Retirement Income Security Act of 1974 (“ERISA”), 29 U.S.C. § 1001, *et seq.*

6. In accordance with 28 U.S.C. § 1446(a), Hartford states that the following documents constitute all of the process, pleadings, and orders that it received:

- a. Summons; and
- b. Complaint.

True and correct copies of the aforementioned documents are attached hereto and incorporated herein as Group Exhibit 1.

7. Plaintiff's Complaint references a disability insurance policy but it is not attached as an exhibit. (Plaintiff's Complaint, ¶ 4.)

8. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Third Judicial Circuit, Circuit Court Wayne County, Michigan, in accordance with 28 U.S.C. § 1446(d).

Dated: March 24, 2020.

Respectfully submitted,

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

/s/ Craig M. Bargher
One of Its Attorneys

Elizabeth G. Doolin, IL Bar #6210358
Craig M. Bargher, IL Bar #6215735
CHITTENDEN, MURDAY & NOVOTNY LLC
303 W. Madison Street, Suite 1400
Chicago, IL 60606
(312) 281-3600 (tel)
(312) 281-3678 (fax)
edoolin@cmn-law.com
cbargher@cmn-law.com

CERTIFICATE OF SERVICE

I hereby certify that on **March 24, 2020**, the foregoing **Notice of Removal** and documents described therein were served upon all attorneys of record by enclosing a true and correct copy thereof in a duly addressed, postage prepaid envelope and depositing same in the U.S. Mail chute at 303 West Madison Street, Chicago, Illinois.

Bradley M. Peri, Esq.
Goodman Acker, P.C.
17000 West Ten Mile Road
Second Floor
Southfield, MI 48075

/s/ Craig M. Bargher
Craig M. Bargher
CHITTENDEN, MURDAY & NOVOTNY LLC
303 W. Madison Street, Suite 1400
Chicago, IL 60606
(312) 281-3600 (tel)
(312) 281-3678 (fax)
cbargher@cmn-law.com

GROUP EXHIBIT 1



TO: Daniela Bukowski-James
The Hartford
1 Hartford Plz # HO-1-09
Hartford, CT 06155-0001

RE: **Process Served in Michigan**

FOR: Hartford Life and Accident Insurance Company (Domestic State: CT)

Service of Process

Transmittal

03/02/2020

CT Log Number 537303795

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

| | |
|------------------------------------|--|
| TITLE OF ACTION: | VALECIA DAVIS, Pltf. vs. HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY, etc., Dft. |
| DOCUMENT(S) SERVED: | Notice, Summons, Complaint |
| COURT/AGENCY: | Wayne County - 3rd Circuit Court, MI Case # 20003046CK |
| NATURE OF ACTION: | Insurance Litigation |
| ON WHOM PROCESS WAS SERVED: | The Corporation Company, Plymouth, MI |
| DATE AND HOUR OF SERVICE: | By Certified Mail on 03/02/2020 postmarked on 02/29/2020 |
| JURISDICTION SERVED : | Michigan |
| APPEARANCE OR ANSWER DUE: | Within 21 days after receiving this summons and a copy of the complaint |
| ATTORNEY(S) / SENDER(S): | Bradley M. Peri GOODMAN ACKER P.C. 17000 W 10 Mile Rd Ste 200 Southfield, MI 48075 248-483-5000 |
| ACTION ITEMS: | CT has retained the current log, Retain Date: 03/02/2020, Expected Purge Date: 03/07/2020 Image SOP Email Notification, CTSOP Lawsuits (Not Specified) SOPLawsuits.Law@thehartford.com |
| SIGNED: | |
| ADDRESS: | The Corporation Company 155 Federal St Ste 700 Boston, MA 02110-1727 |
| For Questions: | 800-448-5350 MajorAccountTeam1@wolterskluwer.com |

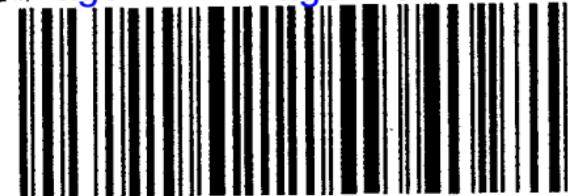
CERTIFIED MAIL®

Case 2:20-cv-10777-DML-APP ECF No. 1 filed 03/24/20 PageID.7 Page 7 of 14



17000 West Ten Mile Road, 2nd Floor
Southfield, Michigan 48075
Phone 248.483.5000
Fax 248.483.3131

MI 480
29 FEB 20
FM 64



2019 2280 0000 8098 A154

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\$7.050

US POSTAGE
FIRST-CLASS

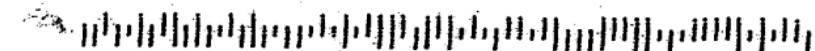
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48075



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Resident Agent-The Corporation Company
c/o HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY
40600 Ann Arbor Road, Ste. 201
Plymouth, MI 48170

48170-467551





WE APPRECIATE YOUR REFERRALS

* GERALD H. ACKER
** BARRY J. GOODMAN
TIM SULOLLI
JORDAN B. ACKER
*** BRADLEY M. PERI

LARRY R. MAITLAND II
MARK BREWER
RONITA BAHRI
MICHELLE T. AARON
LEAH S. HOUGABOOM
AMANDA B. WARNER
BART P. O'NEILL

* ALSO ADMITTED IN DC
** ALSO ADMITTED IN FLORIDA
*** ALSO ADMITTED IN NY

www.goodmanacker.com

Resident Agent-The Corporation Company
c/o HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY
40600 Ann Arbor Road, Ste. 201
Plymouth, MI 48170

Certified Mail/Return Receipt Requested

**Re: Valencia Davis v HARTFORD LIFE AND ACCIDENT INSURANCE
COMPANY
Case No. 20-003046-CK**

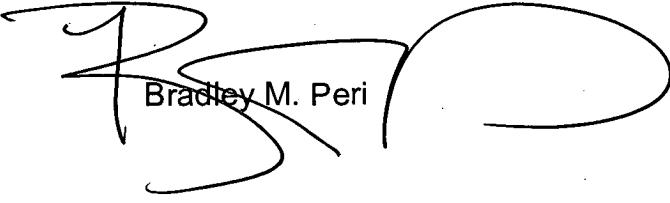
Dear Sir or Madam:

Enclosed please find a copy of the Summons and Complaint which were filed with the Court in the above matter.

PLEASE TURN THESE DOCUMENTS OVER TO THE APPROPRIATE ENTITY OR ATTORNEY IMMEDIATELY. YOU HAVE TWENTY-EIGHT (28) DAYS FROM TODAY IN WHICH TO FILE AN ANSWER TO THIS LAWSUIT.

Very truly yours,

GOODMAN ACKER, P.C.



Bradley M. Peri

BMP/jlv
Enclosure

SOUTHFIELD • MAIN OFFICE
17000 WEST TEN MILE ROAD, SECOND FLOOR • SOUTHFIELD, MICHIGAN 48075 • PHONE 248.483.5000 • FAX 248.483.3131

GRAND RAPIDS

1500 E BELTLINE AVE SE, SUITE 235 • GRAND RAPIDS, MICHIGAN 49506 • PHONE 616.582.7225

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

VALECIA DAVIS,

Plaintiff,

Case No.: 20-

-CK

vs

Hon.:

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,
a Connecticut Corporation

Defendant.

BRADLEY M. PERI P73146
GOODMAN ACKER, P.C.
Attorneys for Plaintiff
17000 W. Ten Mile Road, 2nd Floor
Southfield, Michigan 48075
(248) 483-5000

THERE IS CURRENTLY NO OTHER CIVIL ACTION ARISING OUT OF THE SAME TRANSACTION
OR OCCURRENCE AS ALLEGED IN THIS COMPLAINT CURRENTLY PENDING OR
PREVIOUSLY FILED WITH THE COURT.

COMPLAINT

NOW COMES Plaintiff, VALECIA DAVIS, by and through counsel, GOODMAN
ACKER, P.C., and for her Complaint, states as follows:

1. Plaintiff, VALECIA DAVIS, is a resident of the City of Detroit, County of Wayne, State of Michigan.
2. Defendant, HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY (hereinafter referred to as "HARTFORD") is a Connecticut corporation duly authorized to transact the business of health, life and disability insurance in the State of Michigan and does in fact regularly and systematically conduct this business in the County of Wayne, State of Michigan accepting service through The

Corporation Company, 40600 Ann Arbor Road, E., Suite 201, Plymouth, Michigan 48170.

3. The amount in controversy exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars.

4. Plaintiff, on or about June 16, 2018, was insured under the provisions of a disability insurance policy (no. GLT681086) issued by Defendant, HARTFORD.

5. Said policy was governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 USC §1001, et seq.

6. Defendant, HARTFORD, under the terms and conditions of the said disability insurance policy, became obligated to pay to the Plaintiff, certain expenses or losses in the event Plaintiff sustained an injury or illness that resulted in her disability from employment and/or inability to work for an extended period of time.

7. Plaintiff was diagnosed with bilateral carpal tunnel syndrome, severe spinal stenosis with spinal cord deformity, cervical disc bulges/herniation and chronic pain.

8. As a result of the abovementioned disabilities, Plaintiff was deemed unable to return to work by her treating physicians as a result of treatment that she would have to receive as a result of her disabilities.

9. Said disabilities further limited Plaintiff from performing the material and substantial duties of her regular occupation, as well as any occupation, as defined in Defendant HARTFORD's policy.

10. Defendant, HARTFORD, wrongfully terminated Plaintiff's long-term disability benefits on March 26, 2019 with no further benefits payable after December 22, 2018.



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11. Defendant, HARTFORD, upheld it's above decision on December 31, 2019.

12. Plaintiff, as a result of the said injuries and subsequent related disabilities, has incurred a substantial loss of wages and brings this action pursuant to 29 USC §1132(a)(1)(B).

13. Defendant has failed, refused or neglected to pay Plaintiff the aforesaid wage loss disability payments in accordance with their policy even though reasonable proof of illness and employment disability has been submitted.

14. Defendant's failure and/or refusal to pay the aforesaid disability insurance benefits is continuous and ongoing and, as a consequence thereof, Plaintiff continues to incur allowable expenses for which the Defendant is liable and for which Plaintiff is entitled to recover herein.

15. The aforesaid disability benefits due and owing to or for the benefit of Plaintiff are overdue thereby entitling Plaintiff to recover statutory interest pursuant to 29 USC §1001, et seq.

16. Defendant has unreasonably refused or delayed in making proper payments to the Plaintiff, which permits the Plaintiff to obtain reasonable attorney fees from Defendant pursuant to 29 USC 1132(g)(1).

WHEREFORE, Plaintiff, VALECIA DAVIS, respectfully prays that damages may be awarded in Plaintiff's favor against Defendant for the following elements of damage pursuant to 29 USC §1001, et seq.:

- a. All disability insurance payments found to be due and owing to Plaintiff from December 22, 2018 to present, pursuant to 29 USC §1132, as those benefits are more fully described in this Complaint;

- b. Statutory interest at the rate of twelve percent (12%) per annum on all overdue disability insurance benefits pursuant to 29 USC §1001, et seq;
- c. Penalty interest at the rate of twelve percent (12%) per annum on all overdue disability insurance benefits pursuant to 29 USC §1001, et seq;
- d. Reasonable attorney fees for Defendant's unreasonable refusal and/or unreasonable delay in making proper payment of disability insurance benefits payments pursuant to 29 USC 1132(g)(1);
- e. Additional interest on civil judgments allowed under the Michigan Revised Judicature Act (RJA);
- f. Taxable costs, fees and other expenses as permitted by statute, court rule and common law; and
- g. Any and all other relief that this Court determined to be fair, just and appropriate under the facts and circumstances of this case.

Respectfully submitted,

GOODMAN ACKER, P.C.

/s/ Bradley M. Peri

BRADLEY M. PERI P73146
Attorneys for Plaintiff

Dated: February 27, 2020

GOODMAN ACKER, P.C.
Detroit's Trusted Law Firm

17000 WEST TEN Mile Road, Second Floor • SOUTHFIELD, MICHIGAN 48075 • PHONE 248-483-5000 • FAX 248-483-3131

Approved, SCAO

Original - Court
1st Copy - Defendant2nd Copy - Plaintiff
3rd Copy - Return

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

SUMMONS

CASE NO.
20-003046-CK
Hon. John H. Gillis, Jr.

Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-5243

Plaintiff's name(s), address(es), and telephone no(s)
DAVIS, VALECIA

v

Defendant's name(s), address(es), and telephone no(s).
HARTFORD LIFE AND ACCIDENT INSURANCE COMPANY

Plaintiff's attorney, bar no., address, and telephone no
Bradley M. Peri 73146
17000 W 10 Mile Rd Ste 200
Southfield, MI 48075-2902

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court,

where it was given case number _____ and assigned to Judge _____.

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

| | | |
|-------------------------|-------------------------------|--------------------------------|
| Issue date 2/27/2020 | Expiration date* 5/28/2020 | Court clerk Laverne Chapman |
|-------------------------|-------------------------------|--------------------------------|

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



SUMMONS
Case No.: 20-003046-CK

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

OFFICER CERTIFICATE

OR

AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

I served personally a copy of the summons and complaint.

I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

on the defendant(s):

| | | |
|------------------|---------------------------------|-----------------|
| Defendant's name | Complete address(es) of service | Day, date, time |
| | | |
| | | |

I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

| | | |
|------------------|---------------------------------|-----------------|
| Defendant's name | Complete address(es) of service | Day, date, time |
| | | |
| | | |

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

| | | | |
|-----------------------------|----------------------|-----------|-----------------|
| Service fee \$ | Miles traveled \$ | Fee \$ | Total fee \$ |
| Incorrect address fee \$ | Miles traveled \$ | Fee \$ | |

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.

Date My commission expires: _____ Signature: _____ Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

on _____ Day, date, time

on behalf of _____

Signature